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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,636	09/26/2003	Shabbir A. Khakoo	502063-A-01-US (Khakoo)	8093
47702 7590 04/08/2009 RYAN, MASON & LEWIS, LLP 1300 POST ROAD SUITE 205 FAIRFIELD, CT 06824				
EXAMINER				
BATES, KEVIN T				
ART UNIT		PAPER NUMBER		
2456				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/672,636

Applicant(s)

KHAKOO ET AL.

Examiner

KEVIN BATES

Art Unit

2456

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/02)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Response to Amendment

This Office Action is in response to a communication made on March 10, 2008.

Claim 14 has been amended.

Claims 1-25 are pending in this application.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-13 and 19-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Appelman (WO 03/098425).

Regarding claims 1 and 19, Appelman teaches a method for delivering an email message to a recipient, comprising:

receiving said email message from a sender (Page 19, lines 14-15);

obtaining a presence status of said sender from a presence server (Page 20, lines 17-22; Page 21, lines 4-7; 29-31), wherein said presence status indicates a presence status of said sender across a plurality of domains (Page 21, lines 29-31);
and

delivering said email message to said recipient with an indication of a presence of said sender (Page 2, lines 8-14) on one or more of said plurality of domains (Page 21, lines 29-31).

Regarding claims 2 and 20, Appelman teaches the method of claims 1 and 19, wherein said presence server extracts presence information from a plurality of presence data stores (Page 20, lines 17-22).

Regarding claims 3 and 21, Appelman teaches the method of claims 2 and 20, wherein said presence server translates said presence information to a standard format (Figure 11a).

Regarding claims 4 and 22, Appelman teaches the method of claims 1 and 19, wherein said presence server determines said presence status of said sender based on one or more rules that aggregate extracted presence information (Page 22, lines 13-19).

Regarding claims 5 and 23, Appelman teaches the method of claims 1 and 19, wherein said recipient responds to said sender in another domain (Page 21, lines 29-31).

Regarding claims 6 and 24, Appelman teaches the method of claims 1 and 19, wherein said presence information indicates if the message sender can be reached at one or more indicated devices (Page 21, lines 29-31).

Regarding claim 7, Appelman teaches the method of claim 1, wherein said presence information is obtained from a user registration process (Page 22, lines 8-11).

Regarding claim 8, Appelman teaches the method of claim 1, wherein said presence information is obtained by observing activities of a user (Page 22, lines 8-11).

Regarding claim 9, Appelman teaches the method of claim 1, wherein said recipient can respond to said sender in real time (Page 21, lines 29-31).

Regarding claim 10, Appelman teaches the method of claim 1, wherein said recipient can respond to said sender in non-real time (Page 21, lines 29-31).

Regarding claims 11 and 25, Appelman teaches the method of claims 1 and 19, wherein said recipient can respond to said sender using a non-textual form of communication (Page 21, lines 29-31).

Regarding claim 12, Appelman teaches the method of claim 1, wherein said plurality of domains is a plurality of client domains (Page 21, lines 29-31).

Regarding claim 13, Appelman teaches the method of claim 1, wherein said plurality of domains is a plurality of server domains (Page 24, lines 3-17).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 14-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Appelman in view of Milewski (6501834).

Regarding claim 14, Appelman teaches a method for delivering an email message to a recipient, comprising:

receiving said email message from a sender (Page 19, lines 14-15);

obtaining a presence status of said sender across a plurality of domains (Page 20, lines 17-22; Page 21, lines 4-7; 29-31); and

providing a mechanism with said delivered message for said recipient to automatically respond to said sender at a device associated with at least one of said plurality of domains (Page 21, lines 29-31) where said sender is believed to be present (Figure 11a; Page 21, lines 29-31).

Appelman does not explicitly indicate that the presence status is determined at the time of opening said delivered email.

Milewski discloses a system for adding sender availability information to an email message, where said availability is determined based on a status inquiry when the email message it opened (Col. 2, line 64 – Col. 3, line 11). Milewski further indicates that those presence status messages could indicate the user across a plurality of domains (Col. 3, lines 6 – 16).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Milewski's teaching of having the email recipient request the current presence information upon opening an email message to ensure the most recent presence status is available for the recipient of the email.

Regarding claim 15 Appelman teaches claim 14, wherein said recipient responds to said sender in another domain (Page 21, lines 29- 31).

Regarding claim 16, Appelman teaches claim 14, wherein said recipient can respond to said sender in real time (Page 21, lines 29-31).

Regarding claim 17, Appelman teaches claim 14, wherein said recipient can respond to said sender in non-real time (Page 21, lines 29-31).

Regarding claim 18, Appelman teaches claim 14, wherein said recipient can respond to said sender using a non-textual form of communication (Page 21, lines 29-31).

Response to Arguments

Applicant's arguments filed March 10, 2009 have been fully considered but they are not persuasive.

The applicant argues that Appelman does not indicate determining the presence of a sender across a plurality of domains. The examiner disagrees, Appelman teaches determining presence or contact information for a user on a plurality of mediums or "domains". For example Appelman teaches that the contact information could indicate instant messaging status or phone communications. See pg 20, lines 17 – 22. Clearly an embodiment of Appelman fully anticipates the idea of monitoring the presence of a user over more than one "domain". Furthermore Appelman teaches adding contact information based on presence to the email message for one of those many domains. For example Appelman teaches inserting contact information including an alternative email address that gets displayed to the recipient based on a contact schedule. See pg 26, lines 14 – 25. Thus Appelman teaches that presence information is monitored across a plurality of domains and one of those domains gets inserted into the email message.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KEVIN BATES whose telephone number is (571) 272-3980. The examiner can normally be reached on 9 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kevin Bates/
Primary Examiner, Art Unit 2456